

FAX  
312-750-8600

LAW OFFICES  
**ROSS & HARDIES**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
150 NORTH MICHIGAN AVENUE  
CHICAGO, ILLINOIS 60601-7567  
312-558-1000  
WRITER'S DIRECT LINE: (312) 750-8655  
WRITER'S DIRECT FAX: (312) 920-6161  
WRITER'S EMAIL: susan.lichtenfeld@rosshardies.com

RECORDATION NO. **12447-A** FILED

FEB 14 '01 12-18 PM  
TS  
SURFACE TRANSPORTATION BOARD

PARK AVENUE TOWER  
65 EAST 55TH STREET  
NEW YORK, NEW YORK 10022-3219  
212-421-5555

888 SIXTEENTH STREET, N.W.  
WASHINGTON, D.C. 20006-4103  
202-296-8600

SUSAN G. LICHTENFELD

February 5, 2001

**VIA OVERNIGHT DELIVERY**

Mr. Vernon A. Williams  
Secretary  
Office of the Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423  
Attention: Janice Fort, Room 704



Dear Mr. Williams:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301 are one original executed copy and three photostatic copies of a Release of Lien, dated as of January 30, 2001, relating to a Security Agreement, dated October 20, 1980, between Central Bank (predecessor to Bank of the West) and Everett R. and Rosemary W. Kohberger (the "Security Agreement"), duly recorded and filed with the Interstate Commerce Commission pursuant to 49 U.S.C. §11303 on November 26, 1980, under Recordation Number 12447, which Security Agreement is a primary document as defined in the Commission's Rules for the Recordation of Documents.

The name and address of the party to the enclosed document is:

Bank of the West (successor to Central Bank)  
2655 Stanwell Drive  
Concord, CA 94520

A description of the railroad equipment covered by the enclosed document is set forth therein.

Also enclosed is a check in the amount of \$26.00 payable to the order of the Surface Transportation Board covering the required recordation fee.

Kindly return three stamped photostatic copies of the enclosed document and the stamped photostatic copy of this letter to Susan G. Lichtenfeld, Ross & Hardies, 150 N. Michigan Avenue, Suite 2500, Chicago, Illinois 60601.

Mr. Vernon A. Williams  
February 5, 2001  
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relates: Following is a short summary of the enclosed document and primary document to which it


Document to be Recorded

Release of Lien from Bank of the West (as successor to Central Bank), dated as of January 30, 2001, releasing lien on one covered hopper railcar identified as MILW 101918 and described therein.

Primary Document to Which it Relates

Security Agreement, dated October 20, 1980, between Central Bank and Everett R. and Rosemary W. Kohberger, recorded and filed with the Interstate Commerce Commission pursuant to 49 U.S.C. §11303 on November 26, 1980 under Recordation Number 12447.

Very truly yours,

  
Susan G. Lichtenfeld

SGL/vgc  
w/encl.

cc: Robert W. Kleinman  
Bret Klemetson

RECORDATION NO. 12447-A FILED

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FEB 14 2001 12-18 PM  
TS  
**SURFACE TRANSPORTATION BOARD**

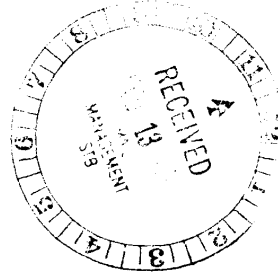
PARK AVENUE TOWER  
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SUSAN G. LICHTENFELD

February 8, 2001

Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423  
Attention: Taledia Stokes, Room 704



Dear Ms. Stokes:

On February 5, 2001 I forwarded to your office for recordation a Release of Lien, dated as of January 30, 2001 (the "Release of Lien"), relating to a Security Agreement, dated October 20, 1980, between Central Bank (predecessor to Bank of the West) and Everett R. and Rosemary W. Kohberger, and a check for \$26.00 in payment of the filing fee. Today I received a voice mail message from you that the STB's recordation fee had been increased to \$27.00, and requesting an additional \$1.00 payment so that you could record the Release of Lien. Pursuant to your request, enclosed is a check for \$1.00 payable to the order of the Surface Transportation Board.

Thank you in advance for recording the Release of Lien in accordance with the instructions set forth in my February 5 letter. If you have any questions, please give me a call.

Very truly yours,

  
Susan G. Lichtenfeld

SGL/vgc  
w/encl.

cc: Robert W. Kleinman  
Bret Klemetson

RECORDATION NO. 12447-A FILED

FEB 14 '01 12-18 PM

RELEASE OF LIEN

SURFACE TRANSPORTATION BOARD

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Everett R. and Rosemary W. Kohberger, of 18330 Laurel Dr., Los Gatos, CA 95030 (collectively, the "Borrower") have heretofore executed and delivered that certain Security Agreement dated October 20, 1980 (the "Security Agreement") to Central Bank, a national banking association (predecessor to Bank of the West, a national banking association, the "Bank"), which document was duly recorded and filed with the Interstate Commerce Commission (predecessor to the Surface Transportation Board) on November 26, 1980 pursuant to 49 U.S.C. § 11303 and assigned Recordation Number 12447;

WHEREAS, Borrower has requested the Bank to release its lien in the property of Borrower which was created under the Security Agreement, including, without limitation, the Bank's lien on one 100-ton covered hopper car marked MILW 101918 (the "Railcar") and Borrower has complied with all conditions of the Security Agreement precedent to such release.

NOW, THEREFORE, the Bank, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, and pursuant to the authority vested by the Security Agreement in the Bank, does hereby RELEASE, REMISE, CONVEY AND QUIT CLAIM unto the Borrower, its successors and assigns, all of its right, title, lien, interest, claim or demand whatsoever which the Bank has or may have acquired under, through or by virtue of the Security Agreement, including, but not limited to, its right, title, lien and interest in and to the Railcar.

IN WITNESS WHEREOF, the Bank has caused this instrument to be duly executed and delivered by its duly authorized officers as of this 30<sup>th</sup> day of January, 2001.

Bank of the West,  
a California Corporation

By: J. Ballard  
Title: Assistant Vice President

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STATE OF CALIFORNIA                    )  
  ) SS.  
COUNTY OF Contra Costa            )

On this 31st day of January, 2001, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named Jennifer Ballard to me a Asst. Vice President of Bank of the West, a national banking association, and duly authorized by authority of said Bank in his capacity as such officer to execute and acknowledge the foregoing instrument for and in the name and on behalf of said Bank and further stated and acknowledged that he has so signed, executed and delivered the foregoing instrument as the free and voluntary act and deed of said Bank, for the consideration, uses and purposes therein mentioned and set forth and desired that the same might be recorded as such.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 31st day of January, 2001.

Rosario Zoleta Ojendyk  
Notary Public

My Commission Expires:

Nov. 23, 2004

